

House File 2320 - Introduced

HOUSE FILE 2320

BY FORD

A BILL FOR

1 An Act relating to the criminal offense of indecent exposure
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.9, Code 2009, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **709.9 Indecent exposure.**

4 1. A person who exposes the person's genitals or pubes
5 commits a serious misdemeanor if all of the following apply:

6 a. The person does so for the purpose of arousing or
7 gratifying the sexual desires of the person or any other person
8 other than the person's spouse.

9 b. The person does so in a place and under circumstances in
10 which the person knows or reasonably should know the conduct is
11 likely to cause affront or alarm.

12 2. A person who engages in a sex act commits a serious
13 misdemeanor if all of the following apply:

14 a. The person does so for the purpose of arousing or
15 gratifying the sexual desires of the person or any other person
16 other than the person's spouse.

17 b. The person does so in the presence or view of a third
18 person.

19 c. The person does so in a place and under circumstances in
20 which the person knows or reasonably should know the conduct is
21 likely to cause affront or alarm.

22 3. A person who engages in masturbation commits a serious
23 misdemeanor if all of the following apply:

24 a. The person does so for the purpose of arousing or
25 gratifying the sexual desires of the person or any other person
26 other than the person's spouse.

27 b. The person does so in the presence or view of another
28 person who is not participating in the act.

29 c. The person does so in a place and under circumstances in
30 which the person knows or reasonably should know the conduct is
31 likely to cause affront or alarm.

32 **EXPLANATION**

33 This bill modifies the criminal offense of indecent
34 exposure.

35 The bill is in response to State v. Isaac, 756 N.W.2d 817

1 (Iowa 2008).

2 Under the bill, a person commits indecent exposure if, for
3 the purpose of arousing or satisfying the sexual desires of the
4 person or another person who is not the person's spouse, the
5 person exposes the person's genitals or pubes in a place and
6 under circumstances in which the person knows or reasonably
7 should know the conduct is likely to cause affront or alarm.

8 The bill provides that a person commits indecent exposure
9 if, for the purpose of arousing or satisfying the sexual
10 desires of the person or another person who is not the person's
11 spouse, the person engages in a sex act in the presence or
12 view of a third person, in a place and under circumstances in
13 which the person knows or reasonably should know the conduct is
14 likely to cause affront or alarm.

15 The bill provides that a person commits indecent exposure
16 if, for the purpose of arousing or satisfying the sexual
17 desires of the person or another person who is not the person's
18 spouse, the person engages in masturbation in the presence or
19 view of another person who is not participating in the act, in
20 a place and under circumstances in which the person knows or
21 reasonably should know the conduct is likely to cause affront
22 or alarm.

23 Current law provides that the indecent exposure of a
24 person's genitals or pubes be directed to another for the
25 purpose of sexual arousal or gratification and that the person
26 knows or reasonably should know that the act is offensive to
27 the viewer. In addition, current law provides that a sex act
28 be committed in the presence of or view of a third person
29 to arouse or satisfy the sexual desires of either party, and
30 the person knows or reasonably should know that the act is
31 offensive to the viewer. Current law also does not specify
32 that masturbation can be indecent exposure under certain
33 circumstances.

34 Under the bill and in current law, a person who commits
35 indecent exposure is guilty of a serious misdemeanor. In

1 addition, under the bill and in current law, a person who
2 commits indecent exposure is subject to a special sentence
3 pursuant to Code section 903B.2, and is also required to
4 register as a sex offender under Code chapter 692A.